

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Housing Department - Allegations of misappropriation and irregularities by the officials of Andhra Pradesh Housing Board, Hyderabad while purchasing the non-teak wood and execution of the scheme during the construction of Housing Board Colony across Andhra Pradesh – Sri K. Bagaiah (A-8), Divisional Accounts Officer, North Division, Andhra Pradesh Housing Board, Hyderabad from 01.06.1992 to 02.11.1993 – Sanction of Prosecution under the Prevention of Corruption Act, 1988 (Act 49 of 1988) and Indian Penal Code- Orders – Issued.

Housing (Vig.Cell) Department

G.O.Ms.No. 5

Dated: 06.01.2012
Read the following:

1. Government Memo No.2205/Vig.Cell/2001-14, dated 22.6.2001.
2. From the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, Letter C.No.3816/C-26/ Crime Investigation Department / 2001, dated 03.06.2011.

ORDER:

Whereas, Sri K. Bagaiah (A-8), worked as Divisional Accounts Officer, North Division, Andhra Pradesh Housing Board, Hyderabad from 01.06.1992 to 02.11.1993 and as such, he is a public servant within the meaning of clause (c) of Section 2 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and Section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).

2. And whereas, it was reported by the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad that during the investigation in Cr.No.78/2001 of Sanathnagar Police Station being investigated by Crime Investigation Department that, the officials of Housing Board indulged in gross irregularities while executing the housing scheme undertaken by the said Board and given pecuniary advantage to one Sri Jitender D. Patel (A-13) in violation to the established norms and dented the ex-chequer of Government of Andhra Pradesh only to get wrongful gain.

3. And whereas, it was further reported that Sri K. Bagaiah (A-8), Divisional Accounts Officer, North Division, Andhra Pradesh Housing Board, Hyderabad worked in the above capacity under Sri B. Damodar (A-4).

4. And whereas, it was further reported that as per G.O.Ms.No. 304, Finance & Planning, dt. 20.11.1979, Sri K. Bagaiah (A-8) was primarily responsible for correct compilation of accounts vide para 158 of D Code. Sri K. Bagaiah (A-8) is personally responsible for losses if any arising for non observation of procedure laid down in para 252 of A Code. In other words, a huge responsible is vested with A-8 while preparing the final accounts.

5. And whereas, it was further reported that while sanctioning the final bill Sri Bagaiah (A-8) did not insist the production of No Objection Certificate from Sales Tax Department pertaining to Sri Jitender D. Patel (A-13) and cleared the bill without deducting the Sales Tax which was in gross violation to the clause 18.5 of the Memorandum of Understanding executed between A-1 and A-13. In result, A-13 was monetarily benefited at the cost of ex-chequer of Government of Andhra Pradesh Investigation also disclosed that Sri Jitender D. Patel (A-13), who is the Proprietor of five unregistered firms paid back the arrears of Sales Tax during the year 2001 after the issue gained popularity in the media.

6. And whereas, it was further reported that the officials of Housing Board including Sri K. Bagaiah (A-8) have conspired and showered various sops out of way and in illegitimate manner to A-13 only to get mutually benefited in terms of pecuniary advantages at the cost of Government funds.

Contd ...

7. And whereas, the aforesaid acts of that Sri K. Bagaiah (A-8), Divisional Accounts Officer, North Division, Andhra Pradesh Housing Board, Hyderabad constitute offences punishable under Sections 120-B, 409, 468 and 420 of the Indian Penal Code and clauses (c) & (d) of sub-section (1) of Section 13 read with subsection (2) of section 13 of the Prevention of Corruption Act, 1988(Act 49 of 1988).

8. And whereas, the Government of Andhra Pradesh being the Competent Authority to remove the said Sri K. Bagaiah (A-8) from service, after careful examination of documentary and oral evidence and the report of Additional Director General of Police, Crime Investigation Department, Andhra Pradesh., Hyderabad and other material placed, is satisfied in respect of the said allegation and having regard to the facts and circumstances of the case, consider that the said Sri K. Bagaiah (A-8), should be prosecuted in a Court of law for the afore said offences.

9. Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of Section 19 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and Section 197 of the Criminal Procedure Code, 1973, the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said that Sri K. Bagaiah (A-8), Divisional Accounts Officer, North Division, Andhra Pradesh Housing Board, Hyderabad for the said offences punishable under Sections 120-B, 409, 468 and 420 of the Indian Penal Code and clauses (c) & (d) of sub-section (1) of Section 13 read with subsection (2) of section 13 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and for any other cognate offence or offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Additional Director General of Police,
Crime Investigation Department,
Andhra Pradesh, Hyderabad.

Copy to:
Law (B) Department,
SF / SC

// FORWARDED :: BY ORDER //

SECTION OFFICER